

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

SUSAN KNIGHT (CSBN 209013)
Assistant United States Attorney

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5056
FAX: (408) 535-5066
Susan.Knight@usdoj.gov

Attorneys for Plaintiff

FILED FILED

AUG - 4 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND A. GARBIN, and
JAMES RUSSELL FITZGERALD,

Defendants.

No. CR 06-00074 RMW

STIPULATION AND ~~PROPOSED~~
ORDER IMPOSING RESTITUTION AS
PART OF JUDGMENT

SAN JOSE VENUE

The undersigned parties have reached an agreement regarding the amount of restitution that each defendant will be solely responsible for as well as an amount of restitution that the defendants' will have joint and several liability. The parties believe that a division of the restitution amounts is equitable based upon each defendants' role in the conspiracy, and each defendant has accepted responsibility for defrauding certain victims. Accordingly, the parties respectfully request that the Court order that defendants Raymond Garbin and James Russell Fitzgerald make restitution to the following individuals and/or entities as proposed below:

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A. Defendant Garbin will be solely responsible for making restitution to the following individuals and/or entities:

1. **Citigroup Investigative Services** **\$7,970.26**
 Attn: Fraud Investigations
 14700 Citicorp Drive
 Building 2, First Floor
 Hagerstown, MD 21742
 Reference account numbers:
 5424180831729428: \$3,566.59
 424180808004409: \$4,403.67
2. **Chase Bank** **\$5,058.33**
 Chase Investigations
 ATTN: L. Godden
 P.O. Box 399
 Hicksville, NY 11802-9641
 Reference account number 4266924000774762
3. **Stanley and Sandra Halliwell** **\$515.79**
 230 Mortimers Lane
 Marina, CA 93933
4. **American Express** **\$8,057.01**
 Attn: TRS- Security
 888 South Figueroa Street, Suite 1770
 Los Angeles, CA 90017
 Reference defendant Raymond Garbin
 and account number 371326661011007
5. **GE Money Bank** **\$3,879.76**
 ATTN: Pat Weber
 P.O. Box 8726
 Dayton, OH 45401
 Reference type of account, the number, and amount:
 Discover, 6011314001037786, \$3,879.76
6. **Kazue Uyeda** **\$221.26**
 2600 Garden Road, #305
 Monterey, CA 93940
7. **Chase Bank USA NA** **\$7,989.90**
 Attn: Jan Wolfe
 225 Chastain Meadows Court
 Kennesaw, GA 30144
 Reference account number 4104140014808084

B. Defendant Fitzgerald will be solely responsible for making restitution to the following individuals and/or entities:

1. **Monterey Credit Union** **\$4,511.58**
 Attn: Paulette Gaut
 P.O. Box 3288
 Monterey, CA 93940

2. **JP Morgan Chase** **\$4,878.73**
 Chase Investigations
 Attn: L. Godden
 P.O. Box 399
 Hicksville, NY 11802-9641
 Reference account number 4266841070069081

3. **Macy's West** **\$2,086.28**
 Internal Box 41
 ATTN: Civil Recovery
 P.O. Box 7888
 San Francisco, CA 94120
 Reference account number and amount:
 45039437299, \$2,086.28

C. Defendant Garbin will be jointly and severally liable with defendant James Fitzgerald to make restitution to the following individuals and/or entities:

1. **Washington Mutual** **\$6,034.00**
 Attn: Fraud Accounting
 P.O. Box 660013
 Dallas, TX 75266
 Reference defendant Raymond Garbin,
 and account number 4185876248163570

2. **GE Money Bank** **\$7,933.57**
 ATTN: Pat Weber
 P.O. Box 8726
 Dayton, OH 45401
 Reference type of account, the number, and amount:
 Discover, 6011314000037209: \$7,721.15
 Mervyn's, 6045893058624746: \$212.42

3. **Macy's West** **\$3,013.08**
 Internal Box 41
 ATTN: Civil Recovery
 P.O. Box 7888
 San Francisco, CA 94120
 Reference account number and amount:
 45038939886, \$1,874.93
 44027331731, \$1,156.15

4. **America First Credit Union** **\$473.72**
 P.O. Box 9199
 Ogden, UT 84409
 Reference defendants Garbin and Fitzgerald

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5. **Citigroup Investigative Services** **\$637.74**
Attn: Fraud Investigations
14700 Citicorp Drive
Building 2, First Floor
Hagerstown, MD 21742
Reference account numbers:
542418078811852: \$555.84
5424180436244278: \$81.90


SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: 3/10/08


SUSAN KNIGHT
Assistant United States Attorney


DATED: 7/7/08


THOMAS J. FERRITO
Counsel for Mr. Garbin

DATED:

RAYMOND GARBIN
Defendant

DATED: 3/10/08


LARA S. VINNARD
Assistant Federal Public Defender

DATED: 3/10/08


JAMES RUSSELL FITZGERALD
Defendant

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ORDER

Accordingly, the Court HEREBY ORDERS that the above-referenced restitution amounts be imposed and made part of the judgment in United States v. Raymond Garbin and James Russell Fitzgerald, CR 06-00074 RMW.
SO ORDERED.

DATED: 8/4/08
2/28/08 (ga)

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge